

**BEFORE THE  
PHYSICIAN ASSISTANT BOARD  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against: )

Marco Serrano, P.A. )

Case No. 950-2016-001234

Physician Assistant License No. )  
PA 20238 )

Petitioner. )  
\_\_\_\_\_)

**ORDER DENYING PETITION FOR RECONSIDERATION**

The Petition filed by Alexandra De Rivera, Esq., attorney for Marco Serrano, P.A., for the reconsideration of the decision in the above-entitled matter having been read and considered by the Physician Assistant Board, is hereby denied.

This Decision remains effective at 5:00 p.m. on August 12, 2019.

**IT IS SO ORDERED:** August 12, 2019



\_\_\_\_\_  
Jed Grant, P.A.-C, President

**BEFORE THE  
PHYSICIAN ASSISTANT BOARD  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation Against:** )

**Case No. 950-2016-001234**

**MARCO SERRANO, P.A.** )

\_\_\_\_\_  
**Petitioner** )

**ORDER GRANTING STAY**

On July 29, 2019, Alexandra De Rivera, Esq. on behalf of Marco Serrano, P.A. filed a Petition for Reconsideration of the Decision in this matter. The Decision was made and entered on July 2, 2019 with an effective date of August 1, 2019.

Execution of the Decision is stayed until August 12, 2019.

This stay is granted in accordance with the provisions of Business and Professions Code section 11521 solely for the purpose of allowing the Board time to evaluate and consider the Petition for Reconsideration of Decision.

IT IS SO ORDERED this 31st day of July, 2019.

**PHYSICIAN ASSISTANT BOARD**

By: \_\_\_\_\_

*Maureen L. Forsyth*  
Maureen L. Forsyth  
Executive Officer

**BEFORE THE  
PHYSICIAN ASSISTANT BOARD  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation     )  
Against:                                     )**

**MARCO SERRANO, P.A.                     )  
Physician Assistant                     )  
License No. PA 20238                   )  
Respondent                                )**

**Case No. 950-2016-001234**

**DECISION**

**The attached Proposed Decision is hereby adopted as the Decision and Order of Physician Assistant Board, Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on August 1, 2019.**

**IT IS SO ORDERED July 2, 2019.**

**PHYSICIAN ASSISTANT BOARD**

By:   
**Jed Grant, PA-C, President**

BEFORE THE  
PHYSICIAN ASSISTANT BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

MARCO SERRANO, P.A.

Physician's Assistant License No. PA 20238,  
  
Respondent.

Case No. 950-2016-001234

OAH No. 2018010775.1

**PROPOSED DECISION**

Adam L. Berg, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on April 30, 2019, in San Diego, California.

LeAnna E. Shields, Deputy Attorney General, Office of the Attorney General, State of California, represented complainant, Maureen L Forsyth., Executive Officer, Physician Assistant Board (board), Department of Consumer Affairs, State of California.

Alexandra de Rivera, Attorney at Law, represented respondent, Marco Serrano, P.A.

The matter was submitted on April 30, 2019.

**FACTUAL FINDINGS**

*Background*

1. Pursuant to a Stipulation for a Probationary License, on March 5, 2009, the board issued Physician's Assistant License Number PA 20238 to respondent. The board placed the license on probation for one year based on a 2006 conviction for alcohol-related reckless driving. Respondent completed the board's probation on March 5, 2010. Respondent has had no additional discipline imposed against his license.

2. On October 19, 2017, complainant signed the accusation seeking the revocation or suspension of respondent's physician's assistant license and recovery of investigation and enforcement costs. The accusation alleged that respondent was convicted in 2016 for driving under the influence of a drug. As causes for discipline, the accusation

alleged respondent was convicted of a substantially-related crime; used a controlled substance in a manner dangerous or injurious to himself, another person, or the public; violated the Medical Practice Act; and violated the Physician Assistant Practice Act.

### *2016 Conviction for Driving Under the Influence*

3. On December 15, 2016, in the Superior Court of California, County of Los Angeles, respondent pled nolo contendere to a misdemeanor violation of Vehicle Code section 23152, subdivision (e), driving under the influence of any drug.<sup>1</sup> The court placed respondent on summary probation for three years under the following terms and conditions: complete a 3-month first offender driving program; attend 26 Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings; and pay fines, fees, and restitution.

### *Testimony of Officer Joel Cloud*

4. Officer Joel Cloud has been a police officer for the City of Glendora for the past three years. The following is a summary of his testimony and the police report he completed at the time of the incident: On January 6, 2016, at 7:05 a.m., Officer Cloud was dispatched to a report of a person driving erratically. The reporting party followed the vehicle, which Officer Cloud intercepted. Officer Cloud initiated a traffic stop and contacted respondent. While speaking to respondent, Officer Cloud observed respondent's left hand between his legs, as if he were trying to hide something. Officer Cloud asked respondent what the object was and respondent produced a clear pipe with burn marks and white residue. Respondent said it was a "meth pipe" and admitted there was methamphetamine<sup>2</sup> in the vehicle. Respondent said he smoked that morning before driving. Respondent disclosed he had a firearm in the vehicle located in a locked box. Officer Cloud conducted a series of field sobriety tests, which respondent failed. Officer Cloud arrested respondent. A search of the vehicle revealed a small baggie on the driver floorboard that field tested positive for methamphetamine. Officer Cloud also found a firearm contained in a lockbox within a backpack on the front passenger seat. The box was locked, the gun was unloaded, and the magazine containing 10 rounds was in a separate area of the backpack. Officer Cloud determined that the firearm was registered to respondent. Respondent submitted to a blood draw, which tested positive for methamphetamine. Lab tests confirmed the baggie contained 1.264 grams of methamphetamine.

### *Respondent's Testimony*

5. Respondent's testimony is summarized as follows: Respondent is 38 years old. After working as a medical assistant in an orthopaedic surgery office, respondent

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<sup>1</sup>That provision has since been renumbered to subdivision (f).

<sup>2</sup> Methamphetamine is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (d), and a dangerous drug under Business and Professions Code section 4022.

enrolled in a physician assistant program at Riverside Community College. He completed the certificate program in 2008. He then completed a fellowship in orthopedic surgery at the Riverside County Regional Medical Center. Since 2010, he has been a physician assistant for Jalil Rashti, M.D., at the Center for Orthopedics & Rehabilitation. The practice is primarily focused on workers' compensation and personal injury cases.

6. On January 6, 2017, the police stopped respondent at approximately 7:00 a.m. on his way to work at Dr. Rashti's Encino office. He had smoked methamphetamine at approximately 5:00 a.m. before he left home. He had a six-month-old son at home and had not been getting much sleep, so he smoked that morning in order to stay awake on his drive. His commute to Encino took approximately 2.5 hours each way. He did not smoke while he was driving. He took the pipe in the car with him so his partner would not find it. He had a gun in the car because he was planning on taking it to a shooting range during his lunch break to get it cleaned. It was unloaded and in a locked container.

7. Respondent first used methamphetamine at a New Years' Eve party, several days before he was arrested. He purchased approximately \$50 worth from friends who had been smoking at the party. These were old high school friends who he did not see often. Over the holiday weekend, he had used it approximately three or four times. Because he had not gotten much sleep over that weekend, he was particularly tired when he went to work on January 6.

8. Respondent has complied with all of the terms of his criminal probation, which is set to terminate in October 2019. In addition to the three-month first offender class, he also completed an 18-month program.<sup>3</sup> The 18-month program was not required by the court, but was needed in order to get his driver license reinstated from the Department of Motor Vehicles.

9. Respondent attended NA until August 2017. He stopped going until approximately October 2018, but has attended weekly since. He submitted attendance logs to verify his attendance. Respondent explained that when he moved near Palmdale, he was reluctant to go to NA there because it was closer to work and he was worried about seeing someone he knew. He plans to continue with NA indefinitely because it has allowed him to focus on what is important to him – his family and his health. He does not have a sponsor, but has phone numbers of people in the group whom he can call if needed.

10. Respondent was cited on March 27, 2017, for driving on a suspended license. He was convicted of misdemeanor driving without a valid license and placed on probation for three years. His driver license has since been reinstated. Respondent explained that he

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<sup>3</sup> Respondent submitted forms indicating he completed the 3-month class on May 20, 2017, and the 18-month class on October 13, 2018. In addition, he submitted a letter from Catalina Mann, a substance abuse counselor at Rehabilitation and Alcohol Program Inc. She wrote that respondent had good attendance at the group sessions and maintained a positive attitude.

was still working in the Encino office and his son had kept his partner up throughout the night. She usually drove him to work, but because she was so tired, respondent drove himself and was stopped by the police.

11. Respondent told his employer, Dr. Rashti, about all of his legal problems and there has never been a patient-care issue at work. He and Dr. Rashti agreed that respondent would undergo monthly drug testing. Respondent submitted lab results indicating he tested negative in May 2018, August 2018, and then monthly from October 2018 through April 2019.

12. In 2018 respondent suffered a heart attack as a result of uncontrolled diabetes and hypertension. He later suffered a minor stroke. He has worked with his doctors to get his diabetes and blood pressure under control. Respondent has now moved near Palmdale to be closer to work. He exercises more and is more careful with his diet. He realizes that the use of drugs could be fatal to him and he takes his health seriously for the sake of his wife and child.

13. Respondent testified that he understands the board's concern with his actions. Using drugs was a huge mistake and he could have hurt someone or his patients. He understands that he has put his career and the support of his family in jeopardy. He has worked very hard to become a physician assistant and will comply with any terms and conditions of probation.

*Testimony of Brian Jacks, M.D.*

14. Brian Jacks, M.D., became board-certified in psychiatry in 1974 and child/adolescent psychiatry in 1976. He has maintained a private practice since 1979, focusing on medico-legal evaluations and some experimental therapies. He is an adjunct clinical professor of psychiatry at the University of Southern California. In 1996 he was appointed as an expert medical reviewer for the Medical Board of California. He is a member of a number of professional organizations, including a fellow of the American Academy of Child Psychiatry.

15. Dr. Jacks performed an evaluation of respondent on April 20, 2019. The following is a summary of his testimony and report: Dr. Jacks conducted a two-hour face-to-face interview and then administered psychological tests that screened for depression and anxiety. Based on his evaluation, Dr. Jacks determined that respondent does not have any acute or chronic psychiatric disorders. The psychological testing revealed no clinically significant depression or anxiety. Dr. Jacks did not believe respondent has an addictive personality. Based on the steps respondent has taken, such as moving closer to work, attending NA, completing a rehabilitation program, and undergoing drug screenings, Dr. Jacks does not believe respondent represents a danger to the public or patients from a psychiatric standpoint. However, because alcohol and drug histories are often understated, he would recommend that respondent be monitored with random drug testing for three to five

years and required to attend regular NA meetings. Dr. Jacks also recommended monthly psychological counseling in order to ensure that respondent has an outlet to cope with stress.  
*Testimony of Jalil Rashti, M.D.*

16. Dr. Rashti is an orthopedic surgeon and respondent's supervising physician at the Center for Orthopedics & Rehabilitation. Dr. Rashti has supervised respondent since 2010 and was very impressed by the fact that respondent worked his way up from being a medical assistant. There have never been any issues with patient care. Respondent is liked by his patients and colleagues. Dr. Rashti reviews almost all of respondent's charts and has never had any concerns. He works with respondent at the same clinic two days per week and is available for telephonic communication with him when Dr. Rashti is out of the office. Dr. Rashti spoke to respondent the day of his arrest. Dr. Rashti believes that it is an isolated incident and will not reoccur. Dr. Rashti has seen addicts in his practice and does not believe that respondent is an addict. Since respondent suffered his medical problems, respondent appears much healthier. Respondent goes to the gym and has been losing weight. Dr. Rashti does not have any reservations about respondent's care of patients. He views respondent like a son, and if respondent's license is revoked, will try and find a way to keep him employed as a medical assistant. Dr. Rashti testified that the Medical Board of California recently filed an accusation against him, but it was resolved with a public reproof.

#### *Reference Letters*

17. Respondent submitted a letter from Luigi Kirchmann, D.C., the administrative director of the Center for Orthopedics & Rehabilitation. Dr. Kirchmann has known respondent for nine years. He described respondent as meticulous concerning patient care with extensive knowledge of orthopedics. Respondent is often seen staying late at night speaking to patients about their care. Dr. Kirchmann did not reference knowledge of respondent's drug use or arrest.

18. Respondent submitted a letter from Philip McCormick, D.C., who has worked with respondent for the past three years. Dr. McCormick praised respondent's treatment of patients and would feel confident in having respondent provide his own medical care. Dr. McCormick did not reference knowledge of respondent's drug use or arrest.

19. Respondent submitted a letter from Paul Rogers, PA-C, who met respondent in 2006 when they attended PA school together. The two spoke about respondent's arrest. Mr. Rogers believes that respondent is remorseful for the incident and it was uncharacteristic of his usual behavior.

20. Respondent submitted a letter from Eric James Shaver, D.C., with Allied Physical Medicine, in Lancaster. Dr. Shaver wrote that he has known respondent for six years, and the instance of driving under the influence was unexpected and out of character. Respondent went to his office after the DUI. Respondent expressed remorse about what occurred and the potential risk he posed to innocent people. Respondent's weight gain and diabetes had been largely uncontrolled. As a patient, respondent completed a six-month



program designed to educate diabetic patients on diet, exercise, and lifestyle. He also completed a weight-loss program. Respondent's diabetes is now under control and he attends the gym regularly.

21. Respondent submitted letters from three patients whose names were redacted. They commended respondent's professional demeanor and quality of care.

22. Respondent submitted a letter from Tina Guerrero. She is respondent's partner with whom he has a three-year-old child. Ms. Guerrero and respondent have been together for the past five years. She described respondent as a responsible and caring person who is dedicated to his work and family. She wrote that respondent attends NA meetings regularly. Since his arrest, he has taken steps to better himself. Although he made a bad decision, it is not typical of his character. Ms. Guerrero was also present at this hearing but did not testify.

#### *Continuing Education*

23. Respondent submitted certifications showing he completed numerous online continuing medical education (CME) credits. Although the copies of the documents were not clearly legible, it appears he completed over 260 CME hours from 2016 through the present.

#### *Costs of Investigation and Enforcement*

24. Complainant requested cost recovery under Business and Professions Code section 125.3. A certification by the deputy attorney general contained information related to services provided by the Office of the Attorney General and included costs of prosecution in the amount of \$9,580. The certification contained a general description of the tasks performed, the time spent on the tasks, and the hourly rate charged for the work of each employee.

A certification by Charlaire McKenzie, Supervising Investigator, Division of Investigations, provided information on tasks performed in the investigation and certified costs in the amount of \$876.

The certifications of costs satisfied the requirements of California Code of Regulations, title 1, section 1042, subdivision (b), and they support a finding that costs in the amount of \$10,456 are reasonable in both the nature and extent of the work performed.

### LEGAL CONCLUSIONS

#### *Burden and Standard of Proof*

1. Complainant bears the burden of proof of establishing that the charges in the accusation are true. (Evid. Code § 115.) The standard of proof in an administrative action

seeking to suspend or revoke a professional license is “clear and convincing evidence.” (*Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856.) Clear and convincing evidence requires a finding of high probability, or evidence so clear as to leave no substantial doubt; it requires sufficiently strong evidence to command the unhesitating assent of every reasonable mind. (*Katie V. v. Superior Court* (2005) 130 Cal.App.4th 586, 594.)

*Relevant Statutory Authority*

2. Business and Professions Code section 3527, subdivision (a), provides that the board may discipline a physician’s assistant license for unprofessional conduct that includes, but is not limited to, a violation of the Physician Assistant Practice Act, a violation of the Medical Practice Act, or a violation of the regulations adopted by the board or the Medical Board of California.

3. Under Business and Professions Code section 2234, unprofessional conduct includes, but is not limited to violating or attempting to violate, any provision of the Medical Practice Act.

4. Business and Professions Code section 3531 provides:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense which is substantially related to the qualifications, functions, or duties of the business or profession to which the license was issued is deemed to be a conviction within the meaning of this chapter. The board may order the license suspended or revoked, or shall decline to issue a license when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

5. Business and Professions Code section 2239, subdivision (a), provides: “The use . . . of any controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely . . . constitutes unprofessional conduct.

6. California Code of Regulations, title 16, section 1399.525, provides”:

For the purposes of the denial, suspension or revocation of a license . . . a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license under the Physician Assistant Practice Act if, to a substantial degree, it evidences present or potential unfitness of a person holding such a license to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include, but are not limited to, the following:

(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of the Medical Practice Act.

(b) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of the Physician Assistant Practice Act.

[¶] . . . [¶]

(i) Conviction for driving under the influence of drugs or alcohol.

#### *Cause Exists to Discipline Respondent's License*

7. Cause exists to revoke or suspend respondent's license, pursuant to Business and Professions Code section 3527, subdivision (a); 2234; and 2239, subdivision (a), on the grounds that respondent committed unprofessional conduct for having been convicted of a crime substantially related to the qualifications, functions, and duties of a licensee and used a controlled substance to the extent, or in such a manner, as to be dangerous or injurious to himself, another person or the public. These violations constitute violations of the Medical Practice Act and the Physician Assistant Practice Act.

#### *Measure of Discipline*

8. The purpose of an administrative proceeding seeking the revocation or suspension of a professional license is not to punish the individual; the purpose is to protect the public from dishonest, immoral, disreputable or incompetent practitioners. (*Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856.)

9. California Code of Regulations, title 16, section 1399.527, states in pertinent part that when considering rehabilitation, the board will consider the nature and severity of the act or offense; the total criminal record; the time that has elapsed since commission of the

offense; whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against such person; evidence of expungement; and any evidence of rehabilitation submitted.

10. Under California Code of Regulations, title 16, section 1399.523, the board is required to consider the disciplinary guidelines entitled "Physician Assistant Board Manual of Model Disciplinary Guidelines and Model Disciplinary Orders" [4th Edition 2016] (Guidelines). Under the disciplinary guidelines, the minimum penalty for a violation of Business and Professions Code sections 2239 and 3527, subdivision (a), is seven years' probation. The maximum penalty is revocation.

11. Rehabilitation is a state of mind. The law looks with favor on one who has achieved reformation and regeneration. (*Hightower v. State Bar* (1983) 34 Cal.3d 150, 157.) The absence of a prior disciplinary record is a mitigating factor. (*Chefsky v. State Bar* (1984) 36 Cal.3d 116, 132, fn. 10.) Remorse and cooperation are mitigating factors. (*In re Demergian* (1989) 48 Cal.3d 284, 296.) While a candid admission of misconduct and full acknowledgment of wrongdoing may be a necessary step in the rehabilitation process, it is only a first step. A truer indication of rehabilitation is presented if an individual demonstrates by sustained conduct over an extended period of time that he is once again fit to practice. (*In re Trebilcock* (1981) 30 Cal.3d 312, 315-316.) Since persons under the direct supervision of correctional authorities are required to behave in exemplary fashion, little weight is generally placed on the fact that such an individual did not commit additional crimes or continue addictive behavior while on probation or parole. (*In re Gossage* (2000) 23 Cal.4th 1080, 1099.

12. Respondent suffered a single misdemeanor conviction for driving under the influence of drugs. He will remain on criminal probation until October 2019. As evidence of rehabilitation, respondent completed a court-ordered three-month rehabilitation program and required NA attendance. In addition, he completed an additional 18-month rehabilitation program, although completion of this program was a requirement for obtaining reinstatement of his driver license. Respondent also resumed attending weekly NA meetings in October 2018, after an approximate one-year break. He began drug testing in 2018, and has had negative tests every month from October 2018 to the present. He underwent a clinical diagnostic evaluation by Dr. Jacks, who opined that respondent does not suffer from any psychiatric conditions and is safe to continue practice as a physician assistant, with appropriate monitoring. Finally, Dr. Rashti and respondent's other character references spoke highly of respondent's work as a physician assistant.

Convictions involving the use of illegal drugs reflect a lack of sound professional and personal judgment that is relevant to a physician assistant's fitness and competence to practice. Driving under the influence of methamphetamine threatens personal and public safety. It further shows a disregard of medical knowledge concerning the effects of controlled substances on vision, reaction time, motor skills, judgment, coordination and memory, and the ability to judge speed, dimensions, and distance. It also demonstrates an inability or unwillingness to obey the legal prohibition against driving under the influence

and illegal drug use, and constitutes a serious breach of a duty owed to society. The fact that respondent smoked methamphetamine before going to work as a physician assistant is all the more egregious. But for the fact that a bystander reported his erratic driving to the police, which resulted in respondent being arrested, respondent would have cared for patients while under the influence of methamphetamine. In addition, this is respondent's second drug/alcohol-related driving conviction and the board has previously placed respondent's license on probation for one year. Finally, while respondent was on probation, when he was expected to abide by all laws, he nevertheless drove on a suspended license, resulting in yet another conviction.

Respondent's testimony was sincere and contrite. It is clear that he worked hard to become a physician assistant and is committed to being a positive role-model for his son. He is applauded for the steps he has taken this far in his rehabilitation. However, the existence of multiple aggravating factors compels the conclusion that revocation is the only level of discipline that will protect the public. In particular, that respondent smoked methamphetamine before going to work, and later, while on probation, drove on a suspended license, demonstrate that respondent does not have the personal and professional judgment required to safely practice at this time. Dr. Rashti's assurances that he would closely monitor respondent were not convincing. In addition to the fact that Dr. Rashti himself recently was disciplined by his licensing authority, and the fact that Dr. Rashti did nothing immediately after respondent attempted to come to work under the influence of methamphetamine, does not install confidence in his supervisory abilities. Dr. Rashti waited a year and a half after respondent's arrest to begin having him drug tested. Dr. Rashti's remedial measure appears only to be related to respondent's pending disciplinary action before the board and not safety of his patients. For these reasons, respondent's license must be revoked.

#### *Costs of Investigation and Enforcement*

13. In *Zuckerman v. Bd. of Chiropractic Examiners* (2002) 29 Cal.4th 32, 45, the California Supreme Court set forth five factors to be considered in determining whether a particular licensee should be ordered to pay the reasonable costs of investigation and prosecution under statutes like Business and Professions Code section 125.3. Those factors are: whether the licensee has been successful at hearing in getting charges dismissed or reduced, the licensee's subjective good faith belief in the merits of his or her position, whether the licensee has raised a colorable challenge to the proposed discipline, the financial ability of the licensee to pay, and whether the scope of the investigation was appropriate in light of the alleged misconduct. (*Ibid.*)

Although respondent was not successful in getting the charges dismissed or reduced, he had a good faith belief in the merits of his position and raised a colorable challenge to the proposed discipline. Investigation and enforcement costs will be reduced to \$5,000. Because respondent's income is dependent in part on having a license, he will not be ordered to pay costs at this time. However, should respondent petition the department for reinstatement, or apply for a new license, the department may require payment of \$5,000 as a condition for reinstatement or a new license.

## ORDER

1. License number PA 20238 issued to respondent Marco Serrano is revoked.
2. If respondent petitions to have his license reinstated, or applies for the issuance of a new license, and if the board grants the petition or application, the board may order respondent to pay \$5,000 in costs as a condition of reinstatement or licensure.

DATED: May 29, 2019

DocuSigned by:



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ADAM L. BERG

Administrative Law Judge

Office of Administrative Hearings